

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

ALLEN E. MONDAY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos.: 3:98-CR-38-TAV-CCS-1
	)	3:16-CV-220-TAV
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

Federal prisoner Allen E. Monday (“Petitioner”) filed a motion for post-conviction relief pursuant to 28 U.S.C. § 2255 on September 30, 2002 [Doc. 79]. This Court denied the same on June 21, 2006 [Docs. 82, 83]. Petitioner recently submitted a second collateral challenge to the same criminal conviction [90]. This most recent petition cites *Johnson v. United States*, 135 S. Ct. 2551 (2015), in which the Supreme Court held that the residual provision of the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e), was unconstitutionally vague [*Id.*].

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 90] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

**ORDER ACCORDINGLY.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE